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Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
EMILE YOUSSEF JILWAN,)
)
Defendant.)

Case No. CR 09 – 0417 EMC

STIPULATION AND
[~~PROPOSED~~] ORDER

WHEREAS, on January 25, 2012, the United States and the defendant, Emile Youssef Jilwan, entered into a Deferred Prosecution Agreement whereby, as described in further detail therein, the defendant admitted and accepted responsibility for the conduct alleged in Count Thirty-Eight of the Indictment, charging him with obstruction in violation of 18 U.S.C. § 1505; promised to cooperate with the government's related cases; and promised to settle the forfeiture allegations charged by the United States and make all required payments pursuant to the defendant's settlement of a parallel civil enforcement action brought by the United States Securities and Exchange Commission. Pursuant to the Deferred Prosecution Agreement, and in reliance on the defendant's promises made therein, the United States deferred its prosecution of Count Thirty-Eight; and dismissed the charges in Counts One and Thirty through Thirty-Six, as

1 to defendant Emile Jilwan only.

2 WHEREAS, the Court adjourned the matter until January 23, 2013 for status and found
3 that the period of time from January 25, 2012 to January 23, 2013 was properly excluded in
4 computing the time within which the trial of the offense alleged in the Indictment must
5 commence pursuant to 18 U.S.C. § 3161(h)(2) because this was a period of delay during which
6 prosecution would be deferred by the attorney for the government pursuant to a written
7 agreement, in this case, the January 25, 2012 Deferred Prosecution Agreement, with approval
8 from the Court, for the purpose of allowing the defendant to demonstrate his good conduct.

9 WHEREAS, the Court then ordered that the status conference be adjourned one week
10 until January 30, 2013.

11 WHEREAS, the Court also has scheduled the trials of two related cases, *United States v.*
12 *Salman* and *United States v. Bayyounk*, to commence on June 24, 2013 and August 26, 2013,
13 respectively.

14 WHEREAS, the government anticipates that Emile Jilwan may be a witness and testify at
15 one or both trials pursuant to his promise to cooperate in good faith with the pending cases until
16 they have been adjudicated.

17 WHEREAS, the parties recommend that this case be adjourned until a date that is
18 convenient for the Court in October 2013, after the conclusion of the two pending trials.

19 THEREFORE, it is hereby stipulated by and between the parties, through their respective
20 counsel of record, that the status conference scheduled for January 30, 2013 shall be adjourned
21 until October ²³, 2013 and the period of time from January 23, 2013 until October ²³, 2013 shall
22 be excluded, pursuant to 18 U.S.C. § 3161(h)(2), in computing the time within which the trial of
23 the offense alleged in the Indictment for defendant Emile Jilwan must commence under Title 18,
24 United States Code, Section 3161.

1 DATED: January 28, 2013

MELINDA HAAG
United States Attorney

3 /s/

4
5 Adam A. Reeves
Assistant United States Attorney

6 /s/

7 DATED: January 28, 2013

8 William H. Green, Esq.
Counsel for Emile Jilwan

9
10 **IT IS SO ORDERED.**

11 DATED: January 29, 2013

